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17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 VERNON UNSWORTH,

Case No. 2:18-cv-08048-SVW (JCx)
Judge: Hon. Stephen V. Wilson

20 Plaintiff,

**PLAINTIFF VERNON UNSWORTH'S
NON-OPPOSITION RESPONSE TO
DEFENDANT'S MOTION IN LIMINE
NO. 2 TO EXCLUDE EVIDENCE OF HIS
CELL PHONE REPLACEMENT**

21 v.

23 ELON MUSK,

24 Defendant.

25 Pretrial Conference: Nov. 25, 2019
Hearing Date: n/a
Time: n/a
Courtroom: n/a

1 During this litigation, Defendant Elon Musk had represented that he destroyed
2 his cell phone earlier this year and that there was no remaining record of his cell
3 phone, raising the prospect of relevance of, and sanctions regarding, spoliation. This
4 matter was briefed at length in the Second Joint Stipulation on Plaintiff's Motion to
5 Compel [Dkt. 86] and Plaintiff's Supplemental Memorandum in Support of
6 Plaintiff's Second Motion to Compel [Dkt. 90]. Unsworth's briefing on the issue
7 establishes the varying positions Musk has taken in this litigation regarding the
8 existence of his cell phone and whether a backup existed and had been properly
9 searched. When the parties conferred regarding the instant Motion in Limine (No.
10 2), Musk represented that he had conducted a search of his now existent electronic
11 record for his cell phone, and he subsequently produced text messages on November
12 6, 2019. Thereafter, the parties reached an additional agreement resolving Plaintiff's
13 Second Motion to Compel on this issue. [See Dkt. 102]. Accordingly, Plaintiff no
14 longer opposes the relief sought in the instant Motion in Limine based upon
15 circumstances arising after the parties' meet and confer regarding its filing.

16 Dated: November 11, 2019 L. LIN WOOD, P.C.
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18 By: /s/L. Lin Wood
19 L. Lin Wood
20 *Attorneys for Plaintiff Vernon Unsworth*

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